

APPLICATION FOR VARIANCE - Primarily Concerning Large Capacity Cesspools

Wastewater Systems

In accordance with Chapter 342 D Hawaii Revised Statutes
as of December 9, 2004

Submit two (2) (one original & one copy) and filing fee of **\$300.00** payable to **State of Hawaii** to:

**Hawaii State Department of Health
Wastewater Branch
919 Ala Moana Blvd. Room 309
Honolulu, Hawaii 96814-4920
Ph (808) 586-4294 Fax (808) 586-4300**

Attachments are allowed, but preferred in 8 1/2" x 11" format (for copying purposes).

I. GENERAL INFORMATION (please print or type):

A. Name: _____
(Corporation, company, agency, firm, etc. seeking variance)

Mailing address: _____

_____ (City) (Island) (Zip code)

Nature of Business: Check applicable category. EPA makes the final determination of a Large Capacity Cesspool (LCC).

- ☐ Non-Residential LCC
- ☐ Retail Business
 - ☐ Visitor Center
 - ☐ Church
 - ☐ School
 - ☐ Golf course clubhouse / restroom
 - ☐ Restaurant / food establishment
 - ☐ Others, please specify: _____

- ☐ Residential LCC
- ☐ Multiple dwelling
 - ☐ Community system
 - ☐ Regional system
 - ☐ Others, please specify: _____

Provide location of existing cesspool(s):

Tax Map Key No. (____) _____ - _____ - _____ :

1=Oahu 2=Maui 3=Big Island 4=Kauai

(number)	(street)	
(City)	(Island)	(Zipcode)

B. Individual authorized to act for applicant:

Name: _____ Title: _____

Address: _____

(City)	(Island)	(Zip code)
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Phone No.: _____ Fax No.: _____

Email Address: _____

C. Identify the specific section(s) of Chapter 11-62 which the variance is requested. Check applicable sections:

- ☐ Section 11-62-03 Definitions state "Individual wastewater system means a facility which is designed to receive and dispose of no more than 1000 gallons per day of domestic wastewater. Individual wastewater systems may involve treatment processes and include, but are not limited to, septic tanks and household aerobic units with disposal system and cesspools. Each individual wastewater system shall be an independent system and shall have all of its plumbing, treatment (if any), and disposal components separate from any other wastewater system."
- ☐ Section 11-62-31.1 (a) (1) (A) "For residential developments. There shall be 10,000 square feet of land area for each individual wastewater system."
- ☐ Section 11-62-31.1(a)91)(C) "For residential developments. Area of the lot shall not be less than 10,000 square feet except for lots created and recorded before the effective date of this rule. For lots less than 10,000 square feet which were created and recorded before the effective date of this rule, only one individual wastewater system shall be allowed."
- ☐ Section 11-62-31.1(a)(2)(A) "Developments involving buildings other than dwellings. The wastewater flow generated shall not exceed 1000 gallons per day per 10,000 square feet of usable land area which shall not include the area under the buildings."
- ☐ Section 11-62-31.1(a)92)(B) "Developments involving buildings other than dwellings. The total wastewater flow shall not exceed 15,000 gallons per day."
- ☐ Section 11-62-31.1(a)(2)(C) "Developments involving buildings other than dwellings. Area of the lot shall not be less than 10,000 square feet except for lots created and recorded before the effective date of this rule. For lots less than 10,000 square feet

which were created and recorded before the effective date of this rule, only one individual wastewater system shall be allowed."

[] _____

II. SPECIFIC INFORMATION:

- A. Describe in detail the existing and conditions of the facility in relation to the requested variance. (Example: *Requested Variance is for HAR Section 11-62-31.1 (a)(2)(C): The total area of the subject lot is 8,500 square feet. The lot has 2 buildings on it consisting of a restaurant and a physical therapy office which are served by a cesspool. The estimated wastewater flow is 2,000 gpd.*)

- B. Describe how these present or proposed conditions fail to conform with the environmental rules of the State. Check applicable category and fill-in-the missing information as appropriate.

[] The area of the lot is _____ square feet. This is insufficient to meet the minimum land area requirements for IWS utilization which is one IWS per 10,000 square feet of lot area.

[] The large capacity septic system proposed to serve the facility would not comply with HAR Section 11-62-03 because the IWS would receive more than 1,000 gallons per day of wastewater. The estimated flow into the system would be _____ gallons per day.

[] If not in the choices, please specify. _____

- C. Describe in detail why the present or proposed equipment and/or operating conditions cannot

be altered to bring such facility into compliance with the environmental rules of the State within a reasonable amount of time. Check all applicable reasons.

- ☐ The existing large capacity cesspool(s) must be closed and replaced with a new treatment individual wastewater system by April 5, 2005 in order to comply with federal requirements.
- ☐ The current State requirement of a wastewater treatment plant would significantly add to the construction cost as well as require a much greater ongoing maintenance cost.
- ☐ The facility has been in operation for _____ years in this location using the existing cesspool. The installation of a wastewater treatment plant in lieu of a septic system will not be possible due to space restrictions and may force the owner to abandon the business operation.
- ☐ If not in the choices, please specify. _____

D. Check applicable reasons listed below and/or supply supporting information (Attachments D-1, D-2 & D-3) to clearly show that:

(1) The granting of the variance is in the public interest as defined in the Hawaii Revised Statutes, Section 342.D-6(c).

- ☐ The applicant believes this variance request is in the public interest because the LCC will be upgraded to an IWS (septic system). The IWS plans will be designed by an engineer and will be submitted to DOH for review and approval. The new IWS will provide a better wastewater treatment system compared to the existing LCC. Therefore minimizes impact to the environment.
- ☐ Prevent loss of jobs. The LCC serving my facility has been in operation for _____ years. The current State requirements of a wastewater treatment plant would significantly add to the construction cost, as well as require a much greater ongoing maintenance cost. I (owner) may be forced to close my existing business and lay off my employees.
- ☐ _____

(2) The granting of the variance will not substantially endanger human health or safety.

- ☐ The existing LCC will be upgraded to an IWS (septic system). The IWS will provide a better treatment system prior to effluent disposal. The IWS will be designed and constructed to meet the Department of Health standards. The impact to the environment will be minimized compared to the current wastewater disposal.

☐ The proposed treatment individual wastewater systems will provide greater protection than the large capacity cesspools. The proposed IWS is an improvement to the existing cesspool in terms of wastewater treatment. The septic tank will provide pretreatment and sludge removal prior to effluent disposal.

☐ If not in the choices, please specify. _____

(3) Compliance with the rules or standards from which the variance is sought would produce serious hardship without equal or greater benefits to the public.

☐ The residents of the _____ are essentially economically depressed.

☐ The owner of the facility simply cannot afford to build and operate wastewater systems meeting all the requirements of HAR Chapter 11-62 such as small aerobic wastewater treatment plants.

☐ The existing location of the facility is severely restrictive. There is simply no space to construct a wastewater treatment plant.

E. Specify the amount of time requested for the variance and the reasons for such a time period. Note that the Director cannot issue a variance for a period exceeding five years (if additional space is required, please include the information on a separate attachment and label "Attachment E-1"). Check applicable amount of time requested.

☐ 5 years
☐ 2 years

☐ 4 years
☐ 1 year

☐ 3 years

F. Submit any additional information which will support this application for a variance (i.e., statements, plans, area maps, histories, etc., and label "Attachment F-1").

III. CERTIFICATION:

I, _____, _____,
(print name) (print title)

certify that I have knowledge of the facts herein set forth and that the same are true and correct to the best of my knowledge and belief.

Signature: _____

Date: _____

DO NOT WRITE BELOW - FOR AGENCY USE ONLY

IV. Date Application received: _____

- V. Application No.: _____
- VI. Docket No.: _____
- VII. Received by: _____
- VIII. Filing fee (**\$300.00**) check date: _____ Check # _____
- IX. Department of Health Receipt # _____
- X. Decision on Application (including date): _____
- XI. Date of Public Hearing: _____